THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1754 of 2005

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Dated 05.10.2005

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Between:

1. Zareena Parveen, W/o. Late Abdul Lateef,
R/o. 8-2-293/15/1 & 8-2-293/15/1a, Venkateshwara Nagar,

Shaikpet Village,
Banjara Hills, Road No. 14, Hyderabad. and others

..... APPELLANT(S)

AND

1 The State of A.P., Rep by its Prl. Secretary,
Revenue Department, Secretariat, Hyderabad. and others

.....RESPONDENT(S)

-

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1754 of 2005

Oral Order: (Per Sri BRSR,J)

The order under appeal, in our considered opinion, does not suffer from any infirmities whatsoever requiring our interference in exercise of our appellate

jurisdiction. The learned Judge came to the right conclusion that the appellants herein cannot be said to be aggrieved by the impugned order passed by the Commissioner in view of the fact that the appellants admittedly filed suits in OS Nos.164 and 165 of 2003 seeking declaration of their title to the lands alleged to be in their possession. The question as to whether the area covered by the suit schedule lands is in the retainable area or situate elsewhere really would not be of much consequence. The learned Judge came to the right conclusion that as and when the civil Court finds that the appellants are entitled to the relief sought for by them in the suits, whether the said land is in the retainable area of the 3rd respondent or outside the retainable area, they would get a right to retain or possess that area. In that view of the matter, the learned Judge did not go into the contentions raised in the writ petition as regards the identity of the land.

The learned Judge, in fact, protected the interest of the appellants-writ petitioners by not expressing any opinion whatsoever on any of the contentious issues since any comment by this Court may cause avoidable prejudice to either of the parties. It is for that reason, the learned Judge did not grant any relief to the petitioners and rightly so.

The writ appeal fails and shall accordingly stand dismissed. It is needless to observe that any observation made in the order passed by the learned single Judge and as well as the observations, if any, made in this order shall have no bearing whatsoever upon the merits of the civil suits filed by the appellants.

(B.SUDERSHAN REDDY,J)

dated 05.10.2005

(S.ANANDA REDDY,J)

msv